

## PROCEEDING WITHOUT PAYMENT OF FEES

In order to file a case with any Nebraska court, the person filing the case must pay a filing fee at the time the case is filed. The amount of the filing fee depends on the type of case. An example is a divorce, which has a filing fee of \$104.00.

In addition to the filing fee, there are other costs that are associated with any court proceeding. In a divorce, the spouse must be served with a summons and a copy of the Complaint for Dissolution of Marriage unless the spouse has signed a voluntary appearance. In a divorce, you can serve the spouse by the sheriff or by publication, if you cannot locate your spouse. The cost of service by the sheriff depends on several factors, including the distance traveled by the sheriff and the number of times service was attempted. Typical costs range from \$20 to \$30. Publication in a local paper can cost up to \$60 to \$80.

If you cannot afford these costs, Nebraska law allows you to ask the court to have the county pay your costs. In order to have the county pay for the costs in the case, an affidavit, or sworn statement, must be made to the court that indicates that you are unable to pay the costs or give security.

Enclosed in this packet is a form entitled "**Affidavit and Application to Proceed In Forma Pauperis**" and a form entitled "**Order to Proceed In Forma Pauperis**" for the court to sign that allows you to proceed without the payment of costs.

To qualify to have all costs paid by the county, you must show to the court that you are truly incapable of paying the costs and you have no other reasonable means to pay for such costs.

If you wish to ask the court to waive costs, you must prepare the Affidavit and Application to Proceed In Forma Pauperis, as well as the In Forma Pauperis Order, and have it with you when you go to court to file your Complaint for Dissolution of Marriage.

When you go to the Clerk of the Court to file your case, inform the clerk that you wish to obtain a waiver of fees. The Clerk should direct you to a judge who will review your Affidavit and Application to Proceed In Forma Pauperis. If the judge is satisfied that your request is reasonable, the order will be signed. You can now take the order back to the Clerk of the Court and file your Complaint for Dissolution of Marriage.